



# RICHLAND COUNTY COUNCIL

## DEVELOPMENT AND SERVICES COMMITTEE

Bernice G. Scott  
District 10

Joyce Dickerson  
District 2

Norman Jackson, Chair  
District 11

Val Hutchinson  
District 9

Bill Malinowski  
District 1

*Special Called Meeting*  
*December 18, 2007*  
*5:30 PM*

**Richland County Council Chambers**  
**County Administration Building**  
**2020 Hampton Street**

### **Call to Order**

### **Adoption of Agenda**

### **I. Items for Action**

- A. Sheriff's Department: Request to approve the rollover and expenditure of \$184,909.60 of Special Duty Administrative fees billed in FY 2006-2007 and collected after July 1, 2007 for the purpose of purchasing non-lethal Taser Equipment and training [Pages 2 – 6]
- B. Amendments to the Richland County Billboard Ordinance [Pages 7 – 12]

### **II. Items for Discussion / Information**

There are no items for discussion/information.

### **Adjournment**

Staffed by: Joe Cronin

# Richland County Council Request of Action

**Subject:** Special Duty Fund Expenditure Request

**A. Purpose**

County Council is requested to approve the rollover and expenditure of \$184,909.60 of Special Duty Administrative fees billed in FY 2006-2007 and collected after July 1, 2007. The purpose for this request is to purchase non-lethal Taser Equipment and training for the Sheriff's Department. Council is further requested to approve the purchase of the equipment.

**B. Background / Discussion**

The requested funds, although accrued in FY 2006, cannot be rolled over to FY 2007 without Council's approval. The collection process usually lags billing by @ 30-45 days depending on the entity for whom the service is provided. There is a need to equip all line officers with this less lethal option, given the level of violence being encountered within the jurisdiction, and offer a safer means of controlling potentially dangerous situations. The Sheriff has been unable to provide this equipment to all uniformed deputies and is striving to make this standard issue.

**C. Financial Impact**

There will be no financial impact to the General Fund.

**D. Alternatives**

1. Council approves the request to roll these funds into this fiscal year for the purchase of Tasers, allowing line officers to become better equipped to provide options to deadly force.
2. Council disapproves this request and the funds are unusable until the end of FY07-08.

**E. Recommendation**

It is recommended that Council approve this request.

**Recommended by:**  
Chief Deputy Hubert Harrell

**Department:**  
Sheriff

**Date:**  
9/11/07

## F. Reviews

### Finance

Reviewed by: Daniel Driggers

Date: 12/12/07

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: This is a policy decision for Council. The funds have been collected as stated and are available for appropriation but would **require a budget amendment** as an appropriation of fund balance and as an amendment to the policy stated in Section 23 of the current budget ordinance. In FY 06 the County implemented a plan that allows the Finance Office to automatically rollover excess special duty admin fees collected over the cost of the program. In June of 2007, Finance completed the assessment and rolled over the excess funds of approximately \$33,000. The additional funds requested in the ROA did not qualify because they were collected after 6/30/07. The affect is that the funds are not lost but they will be used in the cost recovery calculation in May 2008 with the residual funds being made available for the sheriff's department at that time. Approving the use of funds collected after 6/30 would be a change in the current policy as stated in Section 23 of the current budget ordinance.

### Legal

Reviewed by: Amelia Linder

Date: 12/12/07

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Both alternatives appear to be legally sufficient; therefore, this request is at the discretion of County Council. It should be noted that if approved, this request will require a budget ordinance.

### Administration

Reviewed by: J. Milton Pope

Date: 12-10-2007

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommend approval.

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_-08HR

AN ORDINANCE AMENDING THE FISCAL YEAR 2007-2008 GENERAL FUND ANNUAL BUDGET TO AMEND SECTION 23 AND APPROPRIATE FUND BALANCE BASED ON SPECIAL DUTY ADMINISTRATIVE FEES COLLECTED IN FY08 OVER THE COST OF THE PROGRAM FROM SERVICES RENDERED IN FY07 IN THE AMOUNT OF ONE HUNDRED EIGHTY-FOUR THOUSAND NINE HUNDRED AND TEN DOLLARS (\$184,910) TO PURCHASE NON-LETHAL TASER EQUIPMENT AND TRAINING FOR THE SHERIFF'S DEPARTMENT.

Pursuant to the authority granted by the Constitution and the General Assembly of the State of South Carolina, BE IT ENACTED BY THE COUNTY COUNCIL FOR RICHLAND COUNTY:

SECTION I. That the amount of one hundred eighty-four thousand nine hundred and ten dollars (\$184,910) be appropriated to the FY 2007-2008 Sheriff Department Budget. Therefore, the Fiscal Year 2007-2008 General Fund Annual Budget is hereby amended as follows:

REVENUE

Revenue appropriated July 1, 2007 as amended:	\$ 126,747,449
Appropriation of General Fund undesignated fund balance	<u>184,910</u>
Total General Fund Revenue as Amended:	\$ 126,932,359

EXPENDITURES

Expenditures appropriated July 1, 2007 as amended:	\$ 126,747,449
Increase to Sheriff Department Budget:	<u>184,910</u>
Total General Fund Expenditures as Amended:	\$ 126,932,359

Section 23: Richland County hereby amends the Administrative Service Fee from \$5.00 per hour to \$10.00 per hour effective January 1, 2008, to be collected by the Sheriff from all parties who request special duty services, and which are authorized by the Sheriff for the duration of fiscal year 2007-2008 only. Funds collected by the Sheriff that are derived from the \$10.00 per hour administrative fee for special duty services shall be deposited on a per deposit basis as follows: an amount equal to \$5.00 per hour directly into a Sheriff Administrative Fee revenue account in the General Fund and an amount equal to \$5.00 per hour directly into a like account in the Victim's Assistance Fund. This revenue generated by the \$5.00 per hour remaining in the

general fund will be used to offset the cost of the special duty program first to include additional use of petrol oil and lubricants, and for the cost of administrative management of special duty assignments.

The Sheriff and Finance Director will assess the status of fees collected and deposited in the general fund through the Special Duty Program for services provided during fiscal year 2008 on or about August 15, 2008. After considering the cost recovery of the program any excess funds collected and deposited by July 31, 2008 over program cost shall be made available to the sheriff department as a budget increase in FY09 and be reflected as a budgeted use of fund balance. Any funds deposited after July 31, 2008 shall not be available for use until the program evaluation the following fiscal year. In the event program costs are not recovered from current deposits the deficit amount will be recovered from the first deposits of the subsequent fiscal year until all cost are recovered. This automatic re-budgeting shall not require a supplemental budget ordinance. Continuation of the Special Duty Program and associated fees shall be evaluated each year during the budget process.

SECTION II. Severability. If any section, subsection, or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

SECTION III. Conflicting Ordinances Repealed. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION IV. Effective Date. This ordinance shall be enforced from and after \_\_\_\_\_, 2008.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Joseph McEachern, Chair

ATTEST THIS THE \_\_\_\_ DAY

OF \_\_\_\_\_, 2008

\_\_\_\_\_  
Michielle R. Cannon-Finch  
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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Approved As To LEGAL Form Only.  
No Opinion Rendered As To Content.

First Reading:  
Second Reading:  
Public Hearing:  
Third Reading:

## Richland County Council Request for Action

**Subject:** Digital Billboard Ordinance

### **A. Purpose**

County Council is requested to consider an Ordinance to amend the Richland County Code of Ordinances; Chapter 26, Land Development; Section 26-180, Signs; so as to allow legal nonconforming off-premise signs to be replaced with digital display devices in the GC, M-1, LI, and HI zoning districts.

### **B. Background / Discussion**

4-19-07 The Industry sent the Chair of the D&S committee a letter asking that the Committee consider amending the sign ordinance to include language they had drafted concerning digital billboards.

5-15-07 At the County Council meeting, during the motion period, the D&S Chair referred to the D&S Committee the review of the County's sign ordinance. He announced that he had a copy of the language that was desired, and Legal staff obtained a copy of that language from him.

5-25-07 The Industry proposed additional amendments to the language (and this was included in the PC agenda package of September 10, 2007).

6-8-07 The Legal Department created an ordinance based on language the D&S Chair provided to them on May 15, 2007.

6-26-07 The D&S Committee unanimously voted to send consideration of a digital billboard text amendment to the (Sept.) Planning Commission meeting (the ordinance, as drafted, was a part of their agenda package).

8-24-07 The Industry sent over an amended ordinance (dated 8-10-07) and asked the Planning Department to present this version to the Planning Commission.

9-10-07 The Planning Commission unanimously recommended denial of the ordinance that came from the D&S Committee, and did not take action on the Industry's amended language (dated 5-25-07).

9-13-07 The Appearance Commission met and took public comment on the billboard ordinance.

9-25-07 At the Zoning Public Hearing, staff included in the agenda package: 1) a memo from the Planning Department, 2) the Industry's amended ordinance (dated 8-10-07), 3) DOT regulations, and 4) the draft ordinance that came from the D&S Committee. However, a

public hearing was not opened. Instead, County Council had a lengthy discussion, with several amendments proposed. Finally, a motion passed that forwarded the Industry's ordinance (dated 8-10-07) to the Planning Commission, as well as directing the Planning Commission to consider anything else that would help them in making a recommendation.

11-5-07 The Planning Commission met and had several proposals in their agenda package. They voted to hold a work session to discuss the digital billboard provisions following the December 12, 2007 Planning Commission meeting.

12-4-07 County Council voted to recall the digital billboard ordinance from the Planning Commission and send it to the D&S Committee meeting. The motion passed.

12-6-07 The Industry sent amended language (dated 12-5-07) to the Legal Department, which was put into ordinance form.

12-10-07 The Planning Commission met and voted to defer the work session to January 7, 2008.

12-10-07 The original ordinance, as well as the Industry's amended (12-5-07) ordinance, went to a special called D&S Committee meeting. However, it could not proceed due to a lack of quorum. Another special called D&S meeting was scheduled for this date, December 18, 2007.

### **C. Financial Impact**

At this time, the financial impact of enacting this ordinance is unknown.

### **D. Alternatives**

1. Approve the attached ordinance (based on the Industry's December 5, 2007 amendments) to allow digital billboards in the GC, M-1, LI, and HI zoning districts.
2. Direct staff to recommend alternative language to the County's sign ordinance.
3. Hold a work session to gather more information.
4. Do not approve the attached ordinance to allow digital billboards in the GC, M-1, LI, and HI zoning districts.

### **E. Recommendation**

This Request of Action is at the discretion of County Council.

Recommended by: Council Motion – Norman Jackson

Date: December 4, 2007



## F. Reviews

### Finance

Reviewed by: Daniel Driggers

Date: 12/12/07

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: The financial impact not known at this time as stated in the ROA.

### Planning

Reviewed by: Joseph Kocy

Date: December 12, 2007

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: A 2006 National Highway Traffic Safety Administration study (*The Impact of Driver Inattention On Near-Crash/Crash Risk*) showed that anything distracting drivers for more than two seconds significantly increases the chances of accidents. This study triggered the need for additional information on potential safety hazards of digital billboards.

The Federal Highway Administration (FHWA) agreed to conduct research into the safety issues associated with digital signs. This research, scheduled for completion in 2009, will provide a better understanding of digital billboard's effect on motorists

I recommend you take no action allowing digital billboards until this FHWA research is completed.

### Legal

Reviewed by: Amelia Linder

Date: 12/12/07

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: All of the alternatives appear to be legally sufficient; therefore, this request is at the discretion of County Council.

### Administration

Reviewed by: Tony McDonald

Date: 12/13/07

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Based on the proposed ordinances currently before County Council, we recommend and support the position of the Planning Director. However, if the position of County Council is to allow digital billboards, we would request that Council direct the Administrator to develop the best possible policy regarding the incorporation of digital billboards into Richland County.

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_-08HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; ARTICLE VII, GENERAL DEVELOPMENT, SITE, AND PERFORMANCE STANDARDS; SECTION 26-180, SIGNS; SO AS TO CREATE A NEW SECTION THAT WOULD ALLOW DIGITAL DISPLAY DEVICES.

Pursuant to the authority granted by the Constitution and the General Assembly of the State of South Carolina, BE IT ENACTED BY THE RICHLAND COUNTY COUNCIL:

SECTION I. The Richland County Code of Ordinances, Chapter 26, Land Development; Article VII, General development, Site, and Performance Standards; Section 26-180, Signs; is hereby amended to create a new section to read as follows:

- (p) *Changeable copy signs.* A legal nonconforming off-premise sign in a Commercial, Manufacturing, and/or Industrial district may be replaced in whole or in part by surface area changeable static images controlled by electronic communications (hereinafter digital), as provided by this subsection.
  - (1) A permit to replace legal nonconforming off-premise sign display surface area with digital surface area shall first be obtained as provided in Section 26-180(a)(2).
  - (2) A digital sign, as provided by this subsection, shall not be considered flashing or blinking for the purposes of this subsection when the copy shall remain fixed for a period of at least six (6) seconds between changes. The interval between copy changes shall be no longer than one (1) second.
  - (3) Digital signs shall not include animated, continuous, moving, rolling, or scrolling messages or video displays.
  - (4) Digital signs shall have an automatic dimmer and a photo sensor to adjust the illumination intensity or brilliance of the sign so that it shall not cause glare or impair the vision of motorists, and shall not interfere with any driver's operation of a motor vehicle. In addition, a digital sign shall not exceed a maximum illumination of seven thousand five hundred (7,500) nits (candelas per square meter) during daylight hours and a maximum illumination of five hundred (500) nits between dusk and dawn as measured from the sign's face at maximum brightness. Digital signs shall not be permitted within three hundred (300) feet of any residential district towards which the sign is oriented.
  - (5) The digital sign permissibility allowed pursuant to this subsection does not include the replacement of, or some other substantial alteration to, the sign

support structure, except that existing metal sign support structures may be replaced with new metal sign support structures pursuant to a permit to erect a digital sign.

- (6) A digital sign may be reestablished after damage or destruction by an act of God, where the estimated expense of reconstruction does not exceed fifty (50%) percent of the appraised replacement cost of the sign structure, exclusive of the value of any digital display device.
- (7) There shall be one thousand (1,000) feet spacing between digital signs on the same side of the road; there shall also be one thousand (1,000) feet spacing between digital signs on the opposite side of the road if the digital signs are facing the same direction.
- (8) Digital signs shall only be allowed on arterial streets, as defined in Section 26-22.

SECTION II. Severability. If any section, subsection, or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

SECTION III. Conflicting Ordinances Repealed. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION IV. Effective Date. This ordinance shall be enforced from and after \_\_\_\_\_, 2008.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Joseph McEachern, Chair

ATTEST THIS THE \_\_\_\_\_ DAY

OF \_\_\_\_\_, 2008

\_\_\_\_\_  
Michielle R. Cannon-Finch  
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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Approved As To LEGAL Form Only  
No Opinion Rendered As To Content

Public Hearing:  
First Reading:  
Second Reading:  
Third Reading: